

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY,
APPALACHIAN VOICES, and
THE SIERRA CLUB,**

Plaintiffs,

v.

**Civil Action. No. 1:19-cv-00576
Judge David A. Faber**

BLUESTONE COAL CORPORATION,

Defendants.

**DEFENDANT’S MOTION FOR STAY PENDING RESOLUTION OF
PROPOSED CONSENT ORDER WITH WVDEP**

NOW COMES the Defendant, Bluestone Coal Corporation, by its counsel, Michael W. Carey, S. Benjamin Bryant, and the law firm of Carey, Douglas, Kessler & Ruby, PLLC, and moves the Court to stay proceedings in this matter because:

1. The Defendant and the WV Department of Environmental Protection have agreed to the terms of a Consent Order which, upon its anticipated final approval, will render this action moot; and
2. The circumstances surrounding the Covid-19 pandemic in West Virginia, which led this Court to continue the trial previously, have not improved.

WHEREFORE, as set forth in greater detail in the attached “Memorandum of Law in Support of Defendant’s Motion to Stay Pending Resolution of Proposed Consent Order With WVDEP,” the

Defendant requests the Court stay this matter until such time as a final decision is made whether to approve the agreed to Consent Order with the WVDEP.

Respectfully submitted,

BLUESTONE COAL CORPORATION,
By Counsel:

/s/ Michael W. Carey

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BLUESTONE COAL CORPORATION,

Defendant.

CERTIFICATE OF SERVICE

I, Michael W. Carey, counsel for Bluestone Coal Corporation, do hereby certify that on September 4, 2020, I electronically filed the foregoing **“Defendant’s Motion for Stay Pending Resolution of Proposed Consent Order With WVDEP”** and the **“Memorandum of Law in Support of Defendant’s Motion for Stay Pending Resolution of Proposed Consent Order With WVDEP”** with the Clerk of the Court using the CM/ECF system, which will send notification of such filings to the following CM/ECF participants:

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